

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ORDER

On June 23, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limit prescribed by Section 636. Therefore, the Court need not make a *de novo* review, and the United States Magistrate Judge's Recommendation (ECF No. 2), is hereby affirmed and adopted.¹

¹ The Court notes that the envelope containing the Recommendation was sent to Plaintiff at the address he provided at Scotland Correctional Institution, but was returned to the Court by the Postal Service with a notation that Plaintiff had been released from custody. However, Plaintiff failed to notify the Court or provide any updated address or contact information as required by Local Rule 11.1(b). Therefore, no further mailing could be made. In the circumstances, the Complaint is also subject to dismissal for failure to prosecute. See L.R. 11.1(b) ("A party appearing *pro se* shall keep the Court and opposing parties advised as to his or her current address. If mail directed to a *pro se* plaintiff from the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.").

IT IS THEREFORE ORDERED that this action is DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects cited in the Order and Recommendation.

This, the 18th day of September, 2017.

/s/ Loretta C. Biggs
United States District Judge